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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

060258-0277884

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Signature _____

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Application Number

09/806,300

Filed

May 17, 2001

First Named Inventor

LINDEMANN

Art Unit

2685

Examiner

Jackson, Blane J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 41844
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

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Telephone number

January 19, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 060258-0277884
Client Reference: 2980504US/VK/HER



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
LINDEMANN

Application No.: 09/806,300

Filed: May 17, 2001

Confirmation Number: 6583

Group Art Unit: 2685

Examiner: Jackson, Blane J.

Title: REPORTING CREDIT/CHARGING INFORMATION TO A MOBILE SUBSCRIBER

ATTACHMENT SHEETS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby request that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Appellants assert that the outstanding rejection (now on appeal by virtue of the concurrently filed Notice of Appeal) is clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art reference fails to disclose, teach or suggest all the recited claim features).

APPEALED REJECTIONS

Although claim 6 has been recognized as including allowable subject matter, Appellant appeals the rejection of claims 1-5, 8 and 11-19 under 35 U.S.C. 103(a) as being unpatentable over Boltz (US 6,131,024) in view of Foti (US 5,784,442) and the rejection of claims 7, 9 and 10 under 35 U.S. C. 103(a) as being unpatentable over Boltz, Foti and Hentila (US 6,044,259).

ARGUMENTS FOR TRAVERSAL

Appellant submits that a prima facie case of obviousness has not been established because the cited prior art, analyzed individually or in combination, fails to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art fails to disclose, teach or suggest the claimed method (independent claim 1) or arrangement (independent claim 8) for transmitting credit/charging information to a mobile station as a

connectionless message in response to the detection of a call termination, as recited in the rejected claims.

Although the Examiner correctly recognized that Boltz fails to disclose, teach or suggest sending credit/charging information to a mobile station as a connectionless message in response to the detection of the call termination, the Examiner has wrongly asserted that Foti remedies this deficiency by allegedly disclosing a technique for providing Real-Time Billing (RTB) information to mobile subscribers, wherein each RTB subscriber is provided with a readout of the charges for each call immediately after each call is completed.

The Examiner has erroneously asserted that Foti discloses delivering charge messaging by a short message service centre and the air interface control channel to the display of the RTB subscriber's telephone. Thus, the Examiner asserted that one of ordinary skill in the art would have combined the teachings of Boltz and Foti because they both relate to automatic call charge information and doing so would have provided the convenience of phone usage or recharge decisions prior to any subsequent call attempt by the subscriber or other designated user.

However, Foti fails to disclose sending credit/charging information to the mobile station as a connectionless message in response to the detection of the call termination; rather, Foti merely discloses sending RTB information to the mobile station "immediately after the completion of the call" (abstract, claim 1, column 4, line 17, column 4, line 17).

However, Foti's use of the phrase "completion of the call" is actually referring to completion of the call establishment phase. In other words, the expression "immediately after the completion of the call", which Foti uses systemically and frequently means "as soon as the call setup is complete", or "as soon as the call has been established."

As Foti clearly teaches in its signaling diagrams (see Figs. 3-6), the "call delivery" step is illustrated as a thick line to apparently indicate that the actual call takes a much longer time than the transmission of the preceding messages. However, in each signaling diagram, the "call delivery" step is always the last step; thus, nothing is transmitted after the call delivery step.

More specifically, with reference to the signaling diagram illustrated in Fig. 3, which is the most simplistic signaling diagram, the description of Fig. 3 ends: "Thereafter, call delivery is completed at 44." Similarly, as illustrated in Fig. 6, which illustrates the most complex of the signaling diagrams, "call delivery" is illustrated as final step 122. Therefore, one of ordinary skill in the art would have recognized that the proper meaning of the phrase "call completion" is when call set-up is completed, i.e., at the point in time when the call

begins to exist between the parties. As a result, Foti fails to disclose, teach or suggest sending credit/charging information to a mobile station as a connectionless message in response to the detection of the call termination.

In response to Appellant's arguments, the Examiner has now simply restated the previously asserted and erroneous interpretation of Foti by again stating that Foti's messaging "immediately after each call is completed" corresponds to "in response to the detection of the call termination," as recited in the rejected claims. For the reasons explained above, that interpretation is clearly incorrect.

As further evidence of that the above-presented interpretation is correct, Appellant directs previously directed the Examiner's attention to the ETSI's GSM 02.93 specification, which provides one very clear example of conventional use of the phrase "call completion" under the procedure "Completion of Calls to Busy Subscriber" (CCBS). As indicated from the title of this procedure that "completion" does not necessarily mean "termination."

CONCLUSION

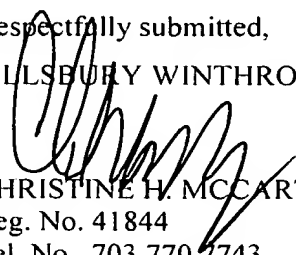
Based on the foregoing, Appellant submits that Foti, when read in its entirety would clearly not remedy the deficiencies of Boltz. Moreover, Hentila, directed to evolving call services, also fails to remedy the deficiencies of Boltz and Foti. Accordingly, claims 1-20 are patentable.

Therefore, it is respectfully requested that the panel return a decision concurring with Appellant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the combined teachings of the cited prior art fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, a prima facie case of obviousness has not been met for either prior art rejection. Thus, all pending claims are patentable.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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